

1 **Amendment to the Claims**

2 **In the Claims:**

3 Please amend Claims 1, 2, 4, 8, 10, 11, 16, 19-25, 27, 28, and 29; and add new Claims 39-42,
4 as follows:

5 1. (Currently Amended) Apparatus adapted to be used with an item of footwear for
6 supporting and stabilizing a portion of a user's foot in order to reduce a risk of injury from occurring,
7 or reoccurring, or an injury already sustained from being exacerbated, during a pathological motion
8 of a user's foot, comprising:

9 (a) a support foundation configured to be removably fastened to a leg of the user,
10 at a point above an ankle of the user; and

11 (b) at least one tension band configured to engage the support foundation, and to
12 engage ~~at~~ an item of footwear, said at least one tension band including at least one of the following:

13 (i) a first lateral tension band configured to engage the support
14 foundation, and to engage an item of footwear at a first location disposed on ~~the~~ an item of footwear
15 proximate to a lateral quarter of ~~the~~ an item of footwear worn during use of the apparatus, such that
16 the first lateral tension band supports and stabilizes the user's foot by limiting lateral frontal plane
17 motion and external rotation traverse plane motion to avoid an injury, a reoccurrence of injury, or
18 exacerbating an existing injury of a user, the first lateral tension band being then responsible for a
19 majority of the support and stabilization of a user's foot provided by the apparatus when the user's
20 foot is properly positioned in ~~the~~ an item of footwear worn during use of the apparatus, the first
21 lateral tension band is tensioned to a desired tension, and the user's foot is in a plantarflexed
22 position; and

23 (ii) a first medial tension band configured to engage the support
24 foundation, and to engage an item of footwear at a second location disposed on ~~the~~ an item of
25 footwear proximate to a medial quarter of ~~the~~ an item of footwear worn during use of the apparatus,
26 such that when the user's foot is properly positioned in ~~the~~ an item of footwear worn during use of
27 the apparatus, and the first medial tension band is tensioned to a desired tension, the first medial
28 tension band is disposed adjacent to a navicular tuberosity of the user's foot, thereby supporting and
29 stabilizing the user's foot.

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2. (Currently Amended) The apparatus of Claim 1, further including at least one of:

(a) a second lateral tension band configured to engage the support foundation, and to engage an item of footwear at a third location disposed on the an item of footwear substantially proximate to a lateral heel counter of the an item of footwear worn during use of the apparatus, such that the second tension band supports and stabilizes the user's foot by limiting lateral frontal plane motion and external rotation traverse plane motion to avoid an injury, a reoccurrence of injury, or exacerbating an existing injury of a user, the second tension band being responsible for a majority of the support and stabilization of the user's foot provided by the apparatus when the user's foot is properly positioned in the an item of footwear worn during use of the apparatus, and the second lateral tension band is tensioned to a desired tension, and the user's foot is in a neutral position; and

(b) a second medial tension band configured to engage the support foundation, and to engage an item of footwear at a fourth location disposed on the item of footwear substantially proximate to a medial heel counter of the an item of footwear worn during use of the apparatus, the second medial tension band reducing a risk of injury, reoccurrence of an injury, or exacerbating an existing injury due to eversion when the user's foot is properly positioned in the an item of footwear worn during use of the apparatus, and the second medial tension band is tensioned to a desired tension.

3. (Original) The apparatus of Claim 2, wherein a tension of each tension band is readily adjustable by a user to achieve the desired tension for the tension band.

4. (Currently Amended) The apparatus of Claim 3, further comprising an attachment member corresponding to each tension band, each attachment member being configured to be disposed on the an item of footwear worn during use of the apparatus, at the location at which its corresponding tension band engages the an item of footwear worn during use of the apparatus, each attachment member being configured to slidably engage its corresponding tension band, such that when the apparatus is properly adjusted, a first end of each tension band engages the support foundation, each tension band extending from the support foundation to its corresponding attachment member, each tension band slidably engages its corresponding attachment member, each tension band extending from its corresponding attachment member back to the support foundation, and a second portion of each tension band engaging at least one of the support foundation, a buckle disposed on that tension band, and a third portion of the tension band.

5. (Original) The apparatus of Claim 4, wherein a tension associated with each tension band includes means for achieving the desired tension by at least one of:

(a) disengaging the second portion of the tension band from the support foundation, and selecting a different portion of the tension band to engage the support foundation;

(b) disengaging the second portion of the tension band from the buckle, and selecting a different portion of the tension band to engage the buckle; and

(c) disengaging the second portion of the tension band from the support foundation, and selecting a different portion of the tension band to engage the third portion of the tension band.

6. (Original) The apparatus of Claim 4, wherein the second portion of each tension band comprises one part of a hook and loop fastener, and one of the support foundation and the third portion of the tension band comprises the other part of the hook and loop fastener.

7. (Original) The apparatus of Claim 4, further comprising an item of footwear, wherein each attachment member comprises at least one the following:

(a) a slot formed in the item of footwear;

(b) a grommet mounted in the item of footwear;

(c) a ring attached to the item of footwear; and

(d) a fixture attached to the item of footwear and having an opening through which a tension band passes.

8. (Currently Amended) The apparatus of ~~Claim 4~~ Claim 7, wherein an attachment member for attaching to the first lateral tension band is attached to the item of footwear at a location adjacent to a base of a fifth metatarsal bone of the user's foot when the foot is properly positioned in the item of footwear and the apparatus is attached to the item of footwear.

9. (Original) The apparatus of Claim 1, wherein the support foundation is disposed substantially adjacent to a user's ankle malleoli when connected to a user's leg while the apparatus is being used.

10. (Currently Amended) The apparatus of Claim 2, wherein when the second lateral tension band is attached to the an item of footwear and is tensioned to the desired tension during use of the apparatus, the second lateral tension band is substantially perpendicular to a sole of ~~the~~ an item of footwear worn during use of the apparatus.

11. (Currently Amended) The apparatus of Claim 1, wherein when the first lateral tension band is attached to ~~the~~ an item of footwear and is tensioned to the desired tension during use of the apparatus, an acute angle is formed between the first lateral tension band and a sole of ~~the~~ an item of footwear, closest to a heel of ~~the~~ an item of footwear worn during use of the apparatus.

12. (Original) The apparatus of Claim 1, wherein the first lateral tension band is movably attached to the support foundation, such that the apparatus is usable with different size items of footwear.

13. (Original) The apparatus of Claim 1, wherein the first medial tension band is movably attached to the support foundation, such that the apparatus is usable with different size items of footwear.

14. (Original) The apparatus of Claim 1, wherein the support foundation comprises an ankle collar.

15. (Original) The apparatus of Claim 14, wherein the ankle collar is removably attached to a user's leg using a hook and loop fastener.

16. (Currently Amended) The apparatus of Claim 14, wherein a first end of the ankle collar comprises a first tongue portion and second tongue portion, the first tongue portion being configured to removably attach the ankle collar to the user's leg proximate the user's ankle, and the second tongue portion being configured to secure each tension band to the ankle collar, after the apparatus is adjusted and each tension band is tensioned to the desired tension for that tension band.

17. (Original) The apparatus of Claim 1, wherein said at least one tension band is pivotally attached to the support foundation.

18. (Original) The apparatus of Claim 1, wherein each tension band comprises one of:

- (a) a textile strap; and
- (b) a generally non-elastomeric material.

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1 19. (Currently Amended) Apparatus adapted to be used with an item of footwear for
2 supporting and stabilizing a portion of a user's foot in order to reduce a risk of injury from occurring,
3 reoccurring, or an existing injury from being exacerbated, during a pathological motion of the user's
4 foot, comprising:

5 (a) a support foundation adapted to be removably fastened to a user's leg at a point
6 above a user's ankle;

7 (b) a first tension band that engages the support foundation, and adapted to engage
8 an item of footwear at a first location disposed on ~~the~~ an item of footwear substantially proximate to a
9 heel counter of ~~the~~ an item of footwear worn during use of the apparatus, such that when ~~a~~ a user's
10 foot is properly positioned in ~~the~~ an item of footwear worn during use of the apparatus and the first
11 tension band is adjusted to a desired tension, the first tension band is substantially perpendicular to a
12 sole of ~~the~~ an item of footwear worn during use of the apparatus; and

13 (c) a second tension band that engages the support foundation, and adapted to
14 engage an item of footwear worn during use of the apparatus at a second location disposed on ~~the~~ an
15 item of footwear worn during use of the apparatus proximate to a front quarter of ~~the~~ an item of
16 footwear worn during use of the apparatus, the second location being closer to a vamp of ~~the~~ an item
17 of footwear than to the heel counter of ~~the~~ an item of footwear worn during use of the apparatus, so
18 that when a user's foot is properly positioned in ~~the~~ an item of footwear and the second tension band
19 is tensioned to a desired tension, an acute angle is formed between the second tension band and the
20 sole of ~~the~~ an item of footwear worn during use of the apparatus, at a side of the second tension band
21 that is closer to the first tension band, and the second tension band does not overlap an intermediate
22 portion of the first tension band, said intermediate portion being disposed between the support
23 foundation and the first location.

24 20. (Currently Amended) The apparatus of Claim 19, wherein the first location is on a lateral
25 side of ~~the~~ an item of footwear worn during use of the apparatus, such that when the user's foot is
26 properly positioned in ~~the~~ an item of footwear worn during use of the apparatus and the first tension
27 band is tensioned to the desired tension, the first tension band substantially reduces a risk of injury, a
28 reoccurrence of an injury, or an exacerbation of an existing injury due to inversion.

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21. (Currently Amended) The apparatus of Claim 19, wherein the first location is on a medial side of ~~the~~ an item of footwear worn during use of the apparatus, such that when the user's foot is properly positioned in ~~the~~ an item of footwear worn during use of the apparatus and the first tension band is tensioned to the desired tension, the first tension band is ~~disposed adjacent to~~ overlaps at least a portion of a posterior tibial tendon of the user's foot, thereby supporting and stabilizing the user's foot.

22. (Currently Amended) The apparatus of Claim 19, wherein the second location is proximate a medial quarter of ~~the~~ an item of footwear worn during use of the apparatus, such that when the user's foot is properly positioned in ~~the~~ an item of footwear worn during use of the apparatus and the second tension band is tensioned to the desired tension, the second tension band is disposed adjacent to a navicular tuberosity of the user's foot, thereby supporting and stabilizing the user's foot.

23. (Currently Amended) The apparatus of Claim 19, wherein the second location is proximate a lateral quarter of ~~the~~ an item of footwear worn during use of the apparatus, such that when the user's foot is properly positioned in ~~the~~ an item of footwear worn during use of the apparatus and the second tension band is tensioned to the desired tension, the second tension band is disposed adjacent to a base of a fifth metatarsal bone of the user's foot, thereby supporting and stabilizing the user's foot, particularly when the user's foot is in a plantarflexed position.

24. (Currently Amended) The apparatus of Claim 19, further comprising an additional tension band, the additional tension band engaging the support foundation, and being adapted to engage an item of footwear worn during use of the apparatus at a third location proximate a heel quarter of ~~the~~ an item of footwear worn during use of the apparatus, such that:

(a) when the first location is on a lateral side of ~~the~~ an item of footwear worn during use of the apparatus, the third location is on a medial side of ~~the~~ an item of footwear worn during use of the apparatus; and

(b) when the first location is on the medial side of ~~the~~ an item of footwear worn during use of the apparatus, the third location is on the lateral side of ~~the~~ an item of footwear worn during use of the apparatus.

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25. (Currently Amended) The apparatus of Claim 19, further comprising an additional tension band, the additional tension band engaging the support foundation, and being adapted to engage an item of footwear worn during use of the apparatus at a third location proximate a front quarter of ~~the~~ an item of footwear worn during use of the apparatus, such that:

(a) when the second location is on a lateral side of ~~the~~ an item of footwear worn during use of the apparatus, the third location is on a medial side of ~~the~~ an item of footwear worn during use of the apparatus; and

(b) when the second location is on the medial side of ~~the~~ an item of footwear worn during use of the apparatus, the third location is on the lateral side of ~~the~~ an item of footwear worn during use of the apparatus.

26. (Original) The apparatus of Claim 19, further comprising an item of footwear, said item of footwear including an attachment member for connecting to each tension band, each attachment member being disposed on the item of footwear at the location at which one of the tension bands engages the item of footwear, each attachment member being configured to slidably engage the tension band to which it connects, such that when the tension bands are tensioned to the desired tensions, a first end of each tension band engages the support foundation, each tension band extends from the support foundation to the attachment member to which it is connected, slidably engages the attachment member, and extends back to the support foundation, a second portion of each tension band engaging at least one of the support foundation, a buckle disposed on the tension band, and a third portion of the tension band.

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27. (Currently Amended) Apparatus adapted to be used with an item of footwear for supporting and stabilizing a portion of a user's foot during a pathological motion of the user's foot, comprising:

(a) a support foundation adapted to be removably fastened to a leg of a user, at a point above an ankle of the user;

(b) a primary tension band that engages the support foundation, and adapted to engage an item of footwear worn during use of the apparatus at a first location disposed on ~~the~~ an item of footwear worn during use of the apparatus proximate to a lateral heel counter of ~~the~~ an item of footwear worn during use of the apparatus, such that the primary tension band is responsible for a majority of the support and stabilization of the user's foot and ankle provided by the apparatus when:

(i) the user's foot is in a neutral position; and

(ii) the user's foot is in a dorsiflexed position; and

(c) a secondary tension band that engages the support foundation, and adapted to engage an item of footwear worn during use of the apparatus at a second location disposed on ~~the~~ an item of footwear worn during use of the apparatus proximate to a lateral quarter of ~~the~~ an item of footwear worn during use of the apparatus, such that the secondary tension band is responsible for a majority of the support and stabilization of the user's foot provided by the apparatus when the user's foot is in the plantarflexed position.

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28. (Currently Amended) An item of footwear for supporting and stabilizing a portion of a user's foot during a pathological motion of the user's foot, comprising:

(a) a support foundation configured to be removably fastened to a leg of the user, at a point above an ankle of the user;

(b) a primary tension band that engages the support foundation, and adapted to engage an item of footwear worn during use of the apparatus at a first location disposed on ~~the~~ an item of footwear worn during use of the apparatus proximate to a lateral heel counter of ~~the~~ an item of footwear worn during use of the apparatus, such that the primary tension band supports and stabilizes the user's foot by limiting lateral frontal plane motion and external rotation traverse plane motion, the primary tension band being responsible for a majority of the support and stabilization of the user's foot provided by ~~the~~ an item of footwear worn during use of the apparatus when the user's foot is in a neutral position; and

(c) a secondary tension band that engages the support foundation, and adapted to engage an item of footwear worn during use of the apparatus at a second location disposed on ~~the~~ an item of footwear worn during use of the apparatus proximate to a lateral quarter of ~~the~~ an item of footwear worn during use of the apparatus, such that the secondary tension band supports and stabilizes the user's foot by limiting lateral frontal plane motion and external rotation traverse plane motion, such that the secondary tension band is responsible for a majority of the support and stabilization of the user's foot provided by ~~the~~ an item of footwear worn during use of the apparatus when the user's foot is in a plantarflexed position.

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29. (Currently Amended) A method for supporting and stabilizing a portion of a user's foot in order to reduce a risk of injury, a reoccurrence of an injury, or an exacerbation of an existing injury from ~~occurring~~ occurring, during a pathological motion of the user's foot, comprising the steps of:

(a) attaching a support foundation to the user's leg, adjacent to the user's ankle malleoli; and

(b) positioning a first tension band such that the first tension band engages both the support foundation and an item of footwear at one of the following locations:

(i) a first location disposed on the item of footwear proximate to a lateral quarter of the item of footwear, such that when tensioned to a desired tension, the first tension band supports and stabilizes the user's foot, particularly when the user's foot is in a plantarflexed position; and

(ii) a second location disposed on the item of footwear proximate to ~~medial~~ a medial quarter of the item of footwear, such that when the user's foot is properly positioned in the item of footwear and the first tension band is tensioned to a desired tension, the first tension band is disposed adjacent to a navicular tuberosity of the user's foot, thereby supporting and stabilizing the user's foot.

30. (Original) The method of Claim 29, further comprising the step of positioning a second tension band and tensioning the second tension band to a desired tension, such that the second tension band engages both the support foundation and the item of footwear at one of the following locations on the item of footwear:

(a) a third location disposed on the item of footwear proximate to a lateral heel counter of the item of footwear, such that the second tension band supports and stabilizes the user's foot, particularly when the user's foot is in both a neutral position and a dorsiflexed position; and

(b) a fourth location disposed on the item of footwear proximate to a medial heel counter of the item of footwear, such that the second tension band is disposed adjacent to a posterior tibial tendon.

31. (Original) The method of Claim 29, further comprising the step of adjusting the first tension band to the desired tension selected to achieve a desired degree of support.

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1 32. (Original) The method of Claim 31, wherein a first end of the first tension band is
2 attached to the support foundation and the first tension band slidingly engages the item of footwear at
3 one of the first and second locations, and the step of adjusting the first tension band to the desired
4 tension comprises the steps of:

5 (a) pulling a second end of the first tension band generally away from the
6 respective one of the first and second locations, and generally toward the support foundation until the
7 desired tension is loaded; and

8 (b) securing the first tension band so as to maintain the desired tension.

9 33. (Original) The method of Claim 32, wherein the step of securing the first tension band
10 comprises the step of attaching the second end of the first tension band to the support foundation.

11 34. (Original) The method of Claim 32, wherein the step of securing the first tension band
12 comprises the step of attaching the second end of the first tension band to a portion of the first tension
13 band disposed between the support foundation and the respective one of the first and second
14 locations.

15 35. (Original) The method of Claim 32, wherein the step of securing the first tension band
16 comprises the step of passing the first tension band through a buckle.

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36. (Original) A method for supporting and stabilizing a portion of a user's foot in order to reduce a risk of injury, or a reoccurrence of an injury, or an exacerbation of an existing injury from occurring, during a pathological motion of the user's foot, comprising the steps of:

- (a) coupling a first attachment member to a lateral heel counter of an item of footwear;
- (b) coupling a second attachment member to a lateral quarter of the item of footwear;
- (c) removably coupling a support foundation to the user's leg at a point above the user's ankle;
- (d) coupling a first tension band to the support foundation;
- (e) coupling a second tension band to the support foundation;
- (f) engaging the first tension band with the first attachment member, to provide support when a user's foot is in a dorsiflexed position and a neutral position; and
- (g) engaging the second tension band with the second attachment member, to provide support when the user's foot is in a plantarflexed position.

37. (Original) The method of Claim 36, further comprising the steps of:

- (a) coupling a third attachment member to a medial heel counter of the item of footwear;
- (b) coupling a third tension band to the support foundation; and
- (c) engaging the third tension band with the third attachment member, such that the third tension band is disposed adjacent to a posterior tibial tendon of the user's foot when the user's foot is properly positioned in the item of footwear to provide support for the user's foot.

38. (Original) The method of Claim 36, further comprising the steps of:

- (a) coupling a third attachment member to a medial quarter of an item of footwear;
- (b) coupling a third tension band to the support foundation; and
- (c) engaging the third tension band with the third attachment member, such that the third tension band is disposed adjacent to a navicular tuberosity of the user's foot when the user's foot is properly positioned in the item of footwear, to provide support to the user's foot.

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39. (New) Apparatus adapted to be used with an item of footwear for supporting and stabilizing a portion of a user's foot in order to reduce a risk of injury from occurring, or reoccurring, or an injury already sustained from being exacerbated, during a pathological motion of a user's foot, comprising:

(a) a support foundation configured to be removably fastened to a leg of the user, at a point above an ankle of the user; and

(b) a tension band having a distal end and a proximal end, the distal end being configured to engage an item of footwear when the apparatus is worn by a user, the proximal end being coupled to the support foundation at a location proximate a central portion of the support foundation, such that when the apparatus is worn by a user, the location is at least one of substantially aligned with a user's ankle and anterior to a user's ankle, the tension band extending downwardly beyond the support foundation, such that an acute angle is formed between the tension band and the support foundation.

40. (New) The apparatus of Claim 39, wherein the tension band comprises a lateral tension band configured to engage an item of footwear at a second location selected to enable the lateral tension band to provide support to a user's forefoot in a plantarflexed position.

41. (New) The apparatus of Claim 39, wherein the tension band comprises a medial tension band configured to engage an item of footwear at a second location selected to enable a portion of the first medial tension band to provide support to a posterior tibial tendon adjacent a navicular tuberosity of a user's foot.

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1 42. (New) Apparatus adapted to be used with an item of footwear for supporting and
2 stabilizing a portion of a user's foot in order to reduce a risk of injury from occurring, reoccurring, or
3 an existing injury from being exacerbated, during a pathological motion of the user's foot,
4 comprising:

5 (a) a support foundation adapted to be removably fastened to a user's leg at a point
6 above a user's ankle;

7 (b) a first tension band having a distal end and a proximal end, the distal end of the
8 first tension band being configured to engage an item of footwear when the apparatus is worn by a
9 user, the proximal end of the first tension band being coupled to the support foundation at a first
10 location proximate a central portion of the support foundation, such that when the apparatus is worn
11 by a user, the first location is at least one of substantially aligned with a user's ankle and anterior to a
12 user's ankle, the first tension band extending downwardly beyond the support foundation, such that a
13 substantially right angle is formed between the first tension band and the support foundation; and

14 (c) a second tension band having a distal end and a proximal end, the distal end of
15 the second tension band being configured to engage an item of footwear when the apparatus is worn
16 by a user, the proximal end of the second tension band being coupled to the support foundation at a
17 second location proximate a central portion of the support foundation, such that when the apparatus is
18 worn by a user, the second location is at least one of substantially aligned with a user's ankle and
19 anterior to a user's ankle, the second tension band extending downwardly beyond the support
20 foundation, such that an acute angle is formed between the second tension band and the support
21 foundation.
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